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Attorneys for Defendant APPLE INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.

Plaintiff, Counter-defendant
v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR

**DECLARATION OF MARK A. PERRY IN
SUPPORT OF APPLE INC.'S REPLY IN
SUPPORT OF MOTION FOR RELIEF
FROM JUDGMENT UNDER FEDERAL
RULE 60(B)**

The Honorable Yvonne Gonzalez Rogers

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar
3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple
4 Inc. (“Apple”) in this case. I have personal knowledge of the facts stated below and, if called as a
5 witness, would testify competently thereto. I submit this declaration in support of Apple’s Reply in
6 Support of Motion for Relief from the Judgment Under Rule 60(b) (the “Reply”).

7 2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff-Appellant’s Petition
8 for Review in the California Supreme Court, *Beverage v. Apple Inc.*, No. S285154 (Cal. May 29, 2024).

9 3. Attached hereto as Exhibit 2 is a true and correct copy of Plaintiff-Appellant’s Reply in
10 Support of Petition for Review in the California Supreme Court. *Beverage v. Apple Inc.*, No. S285154
11 (Cal. June 27, 2024).

12 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
13 correct. Executed this 21st day of November 2024, in Washington, D.C.

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15 Dated: November 21, 2024

Respectfully submitted,

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17 By: /s/ Mark A. Perry

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